

**REMARKS**

The Applicants have carefully considered the official action dated January 15, 2009, and the references cited therein. In the official action, claims 1, 5-10, 12, 15-20, 29, and 32-37 were rejected under 35 USC § 102 (b) as anticipated by Chovin et al. (US 4,928,270), and claims 11, 19, 20, and 38-40 were rejected under 35 USC § 103(a) as unpatentable over Chovin et al. Claims 1, 5-12, 15-29, and 32-40 were rejected under 35 USC § 103(a) as unpatentable over Shal et al. (US 6,064,646) in view of Agarwala et al. (US 7,047,270). In addition, claims 2-4, 13, 14, 30, and 31 were objected to as depending upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the foregoing amendments and the following remarks, the Applicants respectfully traverse the rejections and submit that all pending claims are in condition for allowance. Notification to that effect is earnestly solicited.

**I. Examiner Interview Summary**

As an initial matter, the Applicants would like to thank Examiner Ngo for discussing this application with their representative, Felipe Hernandez, via telephone on March 10, 2009 and March 17, 2009. During these calls, the allowability of amended independent claims 1, 12, 21, 29, and 39 were discussed in light of the dependent claims indicated as allowable in the final action and also in light of compliance with the statutory subject matter requirements of 35 USC § 101. As discussed, the pending claims as presented in this paper are allowable over the applied art and comply with § 101.

**II. Amendments Pursuant to 37 CFR § 1.116**

To place this application in condition for allowance, the Applicants respectfully submit this amendment under 37 CFR § 1.116. By way of this response, the Applicants have

amended claims 1, 12, 21, 29, and 39 to incorporate subject matter indicated as allowable. Accordingly, the Applicants respectfully submit that this amendment after final complies with 37 C.F.R. § 1.116 as it places the application in condition for allowance. In addition, the Applicants have cancelled claims 2, 13, 24, 25, and 30 without prejudice to their further prosecution. Also, the Applicants have also amended claims 3, 4, 14, and 31 to correct dependencies after cancellation of the objected to claims. No new matter has been added.

Also by way of this response, the Applicants respectfully request entry of new dependent claims 41-45. No new matter has been added. Specifically, claim 41 has been added as depending from independent claim 1, claim 42 has been added as depending from independent claim 12, claim 43 has been added as depending from independent claim 21, claim 44 has been added as depending from independent claim 29, and claim 45 has been added as depending from independent claim 39. As each of independent claims 1, 12, 21, 29, and 39 is allowable, the entry of dependent claims 41-45 does not raise any new issue as those new dependent claims should also be allowable as depending from respective allowable base claims.

### **III. Independent Claims 1, 12, and 29**

The Applicants respectfully submit that independent claims 1, 12, and 29 are allowable over the applied art. Each of independent claims 1, 12, and 29 have been amended to incorporate the language of respective objected to dependent claims 2, 13, and 30. Accordingly, the Applicants respectfully submit that independent claims 1, 12, and 29 and all claims dependent thereon are in condition for allowance.

**IV. Independent Claim 21**

The Applicants respectfully submit that independent claim 21 is allowable over the applied art. Independent claim 21 recites obtaining a current count value of a counter via a count reader, performing a comparison via a comparator based on a current count value and a previous count value at least a number of times equal to a number of loops value. The Applicants respectfully submit that the applied art does not teach or suggest the claimed system. Accordingly, the Applicants respectfully submit that independent claim 21 and all claims dependent thereon are in condition for allowance.

**V. Independent Claim 39**

The Applicants respectfully submit that independent claim 39 is allowable over the applied art. Independent claim 39 recites instructions stored in a flash memory that enable a processor system to obtain a current count value and performing a comparison based on the current count value and a previous count value at least a number of times equal to the number of loops value. The Applicants respectfully submit that the applied art does not teach or suggest the claimed system. Accordingly, the Applicants respectfully submit that independent claim 39 and all claims dependent thereon are in condition for allowance.

**VI. Conclusion**

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance and request reconsideration thereof. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is hereby authorized to charge any deficiency in the amount submitted or any additional fees which may be required under 37 CFR 1.16 or 1.17 to

Deposit Account No. 50-2455. Please refund any overpayment to Hanley, Flight & Zimmerman, LLC, at the address below.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the Applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

Respectfully submitted,

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